

Amendments for the Figures

Appended here is Replacement Sheet Figure 1, which amends Figure 1 as requested by the Examiner to include the small tank half shell.

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

We first thank the Examiner for the courtesies extended to Applicant's representative during the telephone interview on March 21, 2006. In brief summary, during the interview the January 12, 2006 Office Action was discussed, and general agreement was reached. Here we summarize the main points discussed.

- (1) In response to the Examiner's objection to Figure 1, this Figure will be amended to include the small tank half shell element as requested by the Examiner. Further explanation is given below.
- (2) In response to the Examiner's rejection of the claims citing prior art (in particular, the primary reference Green et al.), we agreed to amend independent claim 12. The amendment as discussed appears above, and further explanation is given below,

We have also amended Figure 1 to include the small tank half shell, as requested by the Examiner. According to the rules for drawing revisions, a drawing may be amended to include a feature if the disclosure in the specification and original claims is sufficiently specific and detailed to support the necessary amendment. The addition of the small tank half shell is supported by the description at page 2, lines 26 et seq. and page 4, lines 1-5. In addition, original claim 5 (now rewritten as claim 17) reads: "small half tank shell welded onto the large tank half shell (4) along a seam (7) running adjacent to the handle (1) in order to form a fuel tank (6)." The specification at page 2, lines 25-27, and at page 4, lines 1-4 reads: "A small tank half shell (not shown) can be welded onto open tank 6 of large tank half shell 4. Welding seam 7 runs completely adjacent to handle 1 and opposite receptacle 5 for the looped handle." Also, page 1, in the "Background of the Invention" section, the text specifies that state of the art chain saws often have two unequally sized half shells—thus, someone having ordinary skill in this

art would understand from description the placement, position and function of the small tank half shell, from the description on pages 2, 4 and original claim 5. We believe that the original disclosure is sufficiently specific and detailed to support the addition of the small tank half shell to Figure 1. Withdrawal of the objection to this figure is requested.

We have also amended the specification to include reference to element number 23, the small tank half shell referred to in revised Figure 1.

By the above amendments, we have revised claim 12 to clarify the invention. Claim 12 specifies that the foot portion, which is positioned on the bottom side of the handle, is for receiving the foot of the user when the hand-operated tool is started up. Support for this amendment is found throughout the specification, including page 1, lines 1-8, page 3, lines 28-30, Figure 1 and Figure 2.

No new matter is introduced by any revision to Figure 1 or claim 12, and entry is requested. By entry of this amendment, claims 12-23 will still be pending.

In the January 12, 2006 Office Action, the Examiner objected to the drawings as failing to show every feature of the invention specified in the claims. Specifically, the Examiner is requested that we point out and label in the drawings the smaller tank shell (cited in claim 17). Regarding the smaller tank half shell, as indicated on page 4, lines 2-4 of the specification, this element is not shown in the figures. However, as noted above, it is quite adequately described in the specification and in the original claim 5. Therefore, as requested by the Examiner and discussed during the telephone interview, we have amended Figure 1 to include the small tank half shell. The revised Figure 1 is attached here, and the specification amended to include reference to element 23, the small tank half shell.

Claims 12-16, 19, 20 and 21 are rejected under 35 U.S.C. §102(b) as anticipated by Green et al. (U.S. Patent No. 3,844,360). In addition, claim 17 is rejected under 35 U.S.C. §103(a) as obvious over Green et al. (U.S. Patent No. 3,844,360) in view of Lowe et al. (U.S. Patent 5,738,064). Claim 18 is rejected under 35 U.S.C. §103(a) as obvious over Green et al. (U.S. Patent No. 3,844,360) in view of Wu (U.S. Patent 5,551,157). Claims 21-22 are rejected under 35 U.S.C. §103(a) as obvious over Green et al. (U.S. Patent No. 3,844,360) in view of Nagashima et al. (U.S. Patent 4,654,970).

Claim 12 requires “a foot portion for receiving the foot of the user when the hand-operated tool is started and positioned on a bottom side of the handle”. As described in our specification on page 3 lines 29-30, “during the rapid pulling of the traction rope the user can step on foot section 3 with his body weight and fix the chain saw on the ground in this matter.” Claim 12 also requires “a detachable one-piece upper handle shell that is positioned to cover at least substantially the handle portion on the user side and the foot portion on the bottom side”. As described in our specification, the problem in the art that our invention addresses is that, in the chain saw-type tools currently used, the foot portion becomes dirty on the bottom (ground) side when the user steps on the foot portion of the handle in order to fix the saw on the ground starting up the chain saw. One of the novel features of this hand-operated tool—one of the ways the problem in the art of dirt penetrating the handle bottom is solved—is a detachable one-piece upper handle shell covering the foot portion and part of the handle portion. (Page 1, lines 1-8)

As discussed during the telephone interview, the primary reference Green et al. makes no reference at all to a foot portion or a detachable upper handle shell. The handle disclosed by Green is not adapted for receiving the foot of the user when the tool is started. As described in Green’s “Summary of Invention”, columns 1 and 2 (esp. col. 2, line 6-10) the power tool is conveniently held with one hand gripping the forward hand grip portion of the fore-and-aft handle while the starter cord is being pulled with the other hand. At col. 6, lines 35-40, it states: “Moreover, when starting the engine, it is convenient to hold the saw on the ground or other suitable support by gripping the forward hand grip portion with the right hand while pulling the starter cord by means of the handle 9 with the left hand”. At col. 6, line 68 – col. 7, line 4 it states: “Whether the tool is held by the forward hand grip portion of the rearward hand grip portion, the operator has full control of its operation and can, moreover, stop the engine quickly in the event of an emergency.” Thus, Green’s tool is started using both hands, not using a foot and a hand—there is no provision at all for positioning a user’s foot. Green’s fore-and-aft handle has no foot portion in the sense that the user steps on the foot portion of the handle in order to fix the saw on the ground when starting up with a traction rope. Ergo, since Green’s fore-and-aft handle has no foot portion, there can be no upper handle shell

that is positioned to cover at least substantially the handle portion on the user dies and the foot portion on the bottom side.

The Office Action refers to Green's elements 24, 20a and 28 of Figure 1 as constituting a foot portion. Element 20a is part of second handle 20, and is the portion which extends upwardly and rearwardly from a lower rear portion—thus, extending in a generally fore-and-aft direction over the engine (col. 3, lines 26-28). Element 24 is a downward curve of the handle at the rear of the rear-ward hand grip portion that assists the user in properly positioning his hand by feel—not for use by a foot at all. (col. 3, lines 47-50). Element 28 is the portion at the rear of the handle wherein fits a hook portion at the rear of the cover. These elements are nowhere described by Green as places where, during the rapid pulling of the traction rope, the user can step with his body weight and fix the chain saw on the ground. In fact, element 24 is expressly indicated for use by a hand. Further, even assuming arguendo that elements 20a, 24 and 28 can be construed as a foot portion, this “foot portion” would not be covered by the “upper handle shell 26” on the bottom side (i.e., removable cover 26 is of downwardly opening channel cross section, also referred to as the “upper portion or cover”, col. 3, lines 51-63).

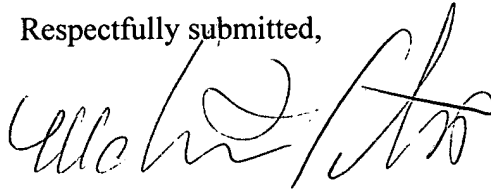
In summary, the primary reference Green—the main basis of all the art rejections—does not teach what is required by our claim 12: “a foot portion for receiving the foot of the user when the hand-operated tool is started and positioned on a bottom side of the handle”, and “a detachable one-piece upper handle shell that is positioned to cover at least substantially the handle portion on the user side and the foot portion on the bottom side”. None of the secondary references make up for the deficiency of Green. Not only are neither of these features referred to by any of the references, but the combination of them as used together in our invention is certainly not taught or even alluded to as desirable. Withdrawal of these art rejections is therefore believed to be in order.

All of the Examiner's outstanding objections and rejections have been addressed, and the application is believed to be in allowable form. Notice to that effect is earnestly solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein, and no amendment made was for the purpose of narrowing

the scope of any claim unless we argued above that such amendment was made to distinguish over a particular reference or combination of references.

If the Examiner has any questions or would like to make suggestions as to claim language, he is encouraged to contact Marlana K. Titus at (301) 977-7227.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Marlana K. Titus', with a stylized flourish at the end.

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